

SENATE BILL 1352

By Gardenhire

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 16, Part 1, relative to real property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 16, Part 1, is amended by adding the following as a new section:

(a) Eminent domain must not be used to acquire privately owned real property for trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use unless the privately owned real property is parallel to, runs directly along the length of, and extends in the same direction as a highway, road, or street.

(b)

(1) Subsection (a) applies to the following:

- (A) County public works projects under § 9-21-107;
- (B) County schools under title 49, chapter 6, part 20;
- (C) Municipal parks under title 7, chapter 31, part 1;
- (D) Municipal public works projects under § 9-21-107;
- (E) Municipal recreational systems under § 11-24-102;
- (F) Municipal schools under title 49, chapter 6, part 20;
- (G) Municipal sewers under § 7-35-101;
- (H) Municipal streets under title 7, chapter 31, part 1;
- (I) Municipal utilities under § 7-35-101;
- (J) Municipal water systems under § 7-35-101; and
- (K) Solid waste authorities under § 68-211-908.

(2) Subsection (a) does not apply to the use of eminent domain to acquire privately owned real property for trails, paths, or greenways for walking, running, hiking, bicycling, or equestrian use upon written agreement between the owner of the real property and a:

- (A) Planned unit development;
- (B) Homeowner's association; or
- (C) Business or related entity.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it, and applies to the exercise of eminent domain on or after the effective date of this act.